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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ MAC.APP. 552/2004

RAVITA & ORS. ..... Appellants

Through: Mr. Inderpal Khokhar, Advocate for the applicants

versus

BALBIR SINGH & ORS. ..... Respondents

Through

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

O R D E R

% 19.05.2016

CM No.19030/2016 (direction), 19031/2016 (exemption) and 19032 / 2016 (condonation of delay)

The applicants are the father and mother respectively of Rajesh, who had died in a motor vehicular accident that occurred on 19.01.2001 giving rise to a cause of action for an accident claim case being instituted before the Motor Accident Claims Tribunal (tribunal) vide suit no.295/2003. The said claim case was clubbed for purposes of inquiry with another claim case (suit no.294/2003) and resulted in judgment dated 12.03.2004 rendered by the tribunal awarding Rs.52,500/- as compensation in favour of the claimants. Since the amount of Rs.50,000/- had already been paid under the interim award, the insurer was directed to pay the balance. The claimants which would include the wife, minor daughter and the applicants (parents) of the deceased feeling aggrieved came up with appeal MACA no.

552/2004 seeking enhancement. During the pendency of the appeal, on their request, the matter was referred for conciliation / mediation in Lok Adalat. The parties (i.e. claimants and insurance company) represented by their respective counsel entered into a settlement on 04.08.2007 whereunder the insurance company agreed to pay and the claimants agreed to receive Rs.3,78,000/- as full and final settlement of the claim over and above what had been awarded by the MACT, the said amount being payable to the first claimant Ravita (widow). On the basis of such settlement, the appeal was disposed of as settled by order dated 27.09.2007.

The applicants have come with the application after elapse of more than 8 years contending that the settlement of the claim in the manner aforesaid was without their knowledge, their prime grievance being that no share has been apportioned to them.

Having regard to the fact that the applicants were duly represented by an advocate who was appearing in the appeal and before the Lok Adalat on behalf of all the four claimants (which admittedly includes the applicants), the settlement terms clearly indicating that the amount further paid by the insurance company was to go to the first claimant only, the applications are unmerited and therefore, dismissed.

R.K.GAUBA, J

MAY 19, 2016
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